

MONTANA LEGISLATIVE HISTORY

Chapter 345 1991

Bill H 536 S _____ Original bill & history ✓c

H. Committee on Local Gov

Hearing Date(s) h 2/14 ✓ _____ c

_____ c

_____ c

_____ c

Date Out _____ c

S. Committee on Local Gov

Hearing Date(s) h 3/19 _____ c

v 3/22 _____ c

_____ c

_____ c

Did this bill originate in an interim committee? _____ Yes _____ No

Committee _____

Report _____

HOUSE FINAL STATUS

HB 537

3/23	2ND READING CONCURRED	48	0
3/25	3RD READING CONCURRED	37	11
	RETURNED TO HOUSE		
4/03	SIGNED BY SPEAKER		
4/03	SIGNED BY PRESIDENT		
4/03	TRANSMITTED TO GOVERNOR		
4/08	VETOED		

HB 536 INTRODUCED BY BRADLEY, ET AL.

ALLOW FIRE SERVICE AREA TO PROVIDE EMERGENCY MEDICAL
AND RESPONSE SERVICES

2/01	INTRODUCED		
2/01	REFERRED TO LOCAL GOVERNMENT		
2/01	FIRST READING		
2/14	HEARING		
2/16	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/26	2ND READING PASSED	98	0
2/27	3RD READING PASSED	99	0
	TRANSMITTED TO SENATE		
2/27	REFERRED TO LOCAL GOVERNMENT		
3/04	FIRST READING		
3/19	HEARING		
3/22	COMMITTEE REPORT—BILL CONCURRED		
3/23	2ND READING CONCURRED	47	0
3/25	3RD READING CONCURRED	48	0
	RETURNED TO HOUSE		
4/02	SIGNED BY SPEAKER		
4/02	SIGNED BY PRESIDENT		
4/03	TRANSMITTED TO GOVERNOR		
4/04	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 345		

EFFECTIVE DATE: 10/01/91

HB 537 INTRODUCED BY HARPER, ET AL.

CREATE DROUGHT ADVISORY COMMITTEE
BY REQUEST OF GOVERNOR

2/01	INTRODUCED		
2/01	REFERRED TO NATURAL RESOURCES		
2/01	FIRST READING		
2/01	FISCAL NOTE REQUESTED		
2/05	FISCAL NOTE RECEIVED		
2/07	FISCAL NOTE PRINTED		
2/13	HEARING		
2/14	COMMITTEE REPORT—BILL PASSED		
2/16	2ND READING PASSED	92	3
2/19	3RD READING PASSED	95	4
	TRANSMITTED TO SENATE		
2/20	FIRST READING		
2/20	REFERRED TO AGRICULTURE, LIVESTOCK & IRRIG.		
3/06	HEARING		
3/07	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/11	2ND READING CONCURRED	36	11
3/12	3RD READING CONCURRED	41	8
	RETURNED TO HOUSE WITH AMENDMENTS		
3/16	2ND READING AMENDMENTS CONCURRED	89	1
3/18	3RD READING AMENDMENTS CONCURRED	96	1
3/22	SIGNED BY SPEAKER		
3/23	SIGNED BY PRESIDENT		
3/25	TRANSMITTED TO GOVERNOR		
3/27	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 209		

EFFECTIVE DATE: 3/27/91

HOUSE BILL NO. 536

INTRODUCED BY BRADLEY, BIANCHI, ECK, THAYER,
BARDANOUVE, WALLIN

IN THE HOUSE

FEBRUARY 1, 1991

INTRODUCED AND REFERRED TO COMMITTEE
ON LOCAL GOVERNMENT.

FIRST READING.

FEBRUARY 16, 1991

COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 18, 1991

PRINTING REPORT.

FEBRUARY 26, 1991

SECOND READING, DO PASS.

FEBRUARY 27, 1991

ENGROSSING REPORT.

THIRD READING, PASSED.
AYES, 99; NOES, 0.

TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 4, 1991

INTRODUCED AND REFERRED TO COMMITTEE
ON LOCAL GOVERNMENT.

FIRST READING.

MARCH 22, 1991

COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 23, 1991

SECOND READING, CONCURRED IN.

MARCH 25, 1991

THIRD READING, CONCURRED IN.
AYES, 48; NOES, 0.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 25, 1991

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 536
 2 INTRODUCED BY Brendley Branch, Clerk
 3 Barbara H. Hargis
 4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A FIRE SERVICE
 5 AREA TO PROVIDE EMERGENCY RESPONSE AND EMERGENCY MEDICAL
 6 SERVICES; AND AMENDING SECTIONS 7-33-2401 AND 7-33-2402,
 7 MCA."
 8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 **Section 1.** Section 7-33-2401, MCA, is amended to read:

11 "7-33-2401. Fire service area -- establishment --
 12 alteration -- dissolution. (1) Upon receipt of a petition
 13 signed by at least 30 owners of real property in the
 14 proposed service area, or by a majority of the owners of
 15 real property if there are no more than 30 owners of real
 16 property in the proposed service area, the board of county
 17 commissioners may establish a fire service area within an
 18 unincorporated area not part of a rural fire district in the
 19 county to provide the services and equipment set forth in
 20 7-33-2402.

21 (2) To establish a fire service area, the board shall:

22 (a) pass a resolution of intent to form the area, with
 23 public notice as provided in 7-1-2121 and written notice as
 24 provided in 7-1-2122;

25 (b) hold a public hearing no earlier than 30 or later

1 than 90 days after passage of the resolution of intent;

2 (c) at the public hearing:

3 (i) accept written protests from property owners of the
 4 area of the proposed area; and

5 (ii) receive general protests and comments relating to
 6 the establishment of the fire service area and its
 7 boundaries, rates, service kinds, types, or levels of
 8 service, or any other matter relating to the proposed fire
 9 service area; and

10 (d) pass a resolution creating the fire service area.

11 The area is created effective 60 days after passage of the
 12 resolution unless by that date more than 50% of the property
 13 owners of the proposed fire service area protest its
 14 creation.

15 (3) Based on testimony received in the public hearing,
 16 the board in the resolution creating the fire service area
 17 may establish different boundaries, establish a different
 18 fee schedule than proposed, change the kinds, types, or
 19 levels of service, or change the manner in which the area
 20 will provide services to its residents.

21 (4) The board of county commissioners may alter the
 22 boundaries or the kinds, types, or levels of service or
 23 dissolve a fire service area, using the same procedures
 24 required for the creation of a fire service area. Any
 25 existing indebtedness of a fire service area that is

LC 1416/01

1 dissolved remains the responsibility of the owners of
2 property within the area, and any assets remaining after all
3 indebtedness has been satisfied must be returned to the
4 owners of property within the area."

5 **Section 2.** Section 7-33-2402, MCA, is amended to read:

6 "7-33-2402. **Area services.** A fire service area created
7 pursuant to 7-33-2401 may provide residents of the area with
8 adequate and standard:

9 (1) fire, emergency medical, and emergency response
10 equipment, and adequate personnel, facilities housing--for
11 the--equipment, and related maintenance, for use-by a fire
12 service agency providing service to the area; or

13 (2) fire protection by contracting for the services of
14 a fire service agency."

-End-

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By DIANA WYATT CHAIR, on February 14, 1991, at
3:00 p.m.

ROLL CALL

Members Present:

Diana Wyatt, Chair (D)
Jessica Stickney, Vice-Chair (D)
Joe Barnett (R)
Arlene Becker (D)
Vivian Brooke (D)
Dave Brown (D)
Brent Cromley (D)
Paula Darko (D)
Tim Dowell (D)
Budd Gould (R)
Stella Jean Hansen (D)
Harriet Hayne (R)
Ed McCaffree (D)
Tom Nelson (R)
Jim Rice (R)
Sheila Rice (D)
Richard Simpkins (R)
Norm Wallin (R)

Staff Present: Bart Campbell, Legislative Council
Lois O'Connor, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

HEARING ON HB 106

Presentation and Opening Statement by Sponsor:

REP. HARRINGTON, House District 68, Butte, stated HB 106 is a county option gambling bill proposed for home rule counties. Many local governments would have serious problems if it weren't for the gambling they now have. HB 106 is a local option bill that gives people the right to vote for something they want. This bill applies to two counties; Butte-Silverbow and Deer Lodge-Anaconda. Amendments to extend it to all counties would be looked on favorably. HB 106 can help local governments raise additional funds. It will be a vote of the people.

REP. NELSON asked if HB 106 passes, will the rest of the state remain the same if no other county does the local option gambling. REP. HARRINGTON said yes. The local governments must vote if they want local option gambling. REP. NELSON asked if the bill must be amended since this would throw off the yoke of the state control. REP. HARRINGTON stated if the counties want the Attorney General's office to control the local option gambling, then the bill would have to be amended.

REP. D. BROWN asked Joe Roberts if his organization opposes all gambling bills, what is his organization doing to support other economic development in the state. Mr. Roberts said the concern of the organization is gambling and where the state is going with it: the increasing casinoization, the changes that have been brought about in the business climate of the state, the image presented to make us lose tourism rather than gain it. The social and enforcement costs of local option gambling are a loser. REP. BROWN asked if his organization was a single interest, without regard for the impacts of that position on anything else. Mr. Roberts stated they are very interested in the well being of the state both economically and socially. The state has much to offer to its citizens and prospective tourists. Tourism should be offered to obtain funds. Gambling gives a negative image to the state.

Closing by Sponsor:

REP. HARRINGTON stated when people in his community need assistance, they turn to the local establishments for help. Give local governments the right to vote if they do or do not want local option gambling. This includes the Indian reservations. They are citizens and have just as much right to vote for local option taxes as anyone else. The churches also use a form of gambling, such as bingo, to support their needs. The people know what they are doing, and they are not going to go to excess on gambling.

HEARING ON HB 536

Presentation and Opening Statement by Sponsor:

REP. BRADLEY, House District 79, Bozeman, stated HB 536 is enabling legislation to allow County Commissioners to decide what levels and types of services they want from a fire service area. It parallels legislation already passed out of the Local Government committee to allow this for fire tax districts but HB 536 addresses a different tax code. Funds in fire service areas may be used for emergency medical services, but only when they are related to the prevention and suppression of fire. This must be clarified. HB 536 allows the County Commissioner to make the choice in letting the emergency medical response people know their obligations and responsibilities.

Proponents' Testimony:

Bret Haggerty, Rae Volunteer Fire Company, provided written testimony. EXHIBITS 1, 2

Jane Jelinski, Chair, Gallatin County Commission, said it would be irresponsible to not allow the trained and willing volunteers to assist with first response because of the way the law is written. The concern with some volunteer associations is that County Commissioners will require them to provide a service when they do not want to do it. County Commissioners will not allow volunteers to do services they are not trained to do because the liability will be on the County Commission.

Drew Dawson, Chief, Emergency Medical Services Bureau, Department of Health and Environmental Sciences, provided written testimony. EXHIBIT 3

Bruce Suenram, Montana Rural Fire Districts, supported HB 536.

Opponents' Testimony:

Lyle Nagel, Montana Volunteer Firefighters Association, provided written testimony. EXHIBIT 4

Questions From Committee Members:

REP. CROMLEY asked Bart Campbell if the amendments are accepted, will the title have to be changed. He said he hasn't had a chance to look at the title.

REP. SIMPKINS asked Drew Dawson what the liability is concerning the volunteers who are put in emergency medical situations. Mr. Dawson stated there is a Good Samaritan Law which covers volunteers who provide emergency medical services without compensation. REP. SIMPKINS asked if the rural communities asked for this service. Mr. Dawson responded yes.

REP. STICKNEY asked Bruce Suenram the difference between the other legislation and HB 536. Mr. Suenram stated HB 536 is more precise in that it says emergency medical services. The fire district bill was for emergency response equipment. A fire service area is formed by petition of 30 people who go to a hearing of Commissioners and establish a boundary. There is a fee established through a public hearing process that is against structures. Fire districts are tax based.

REP. McCAFFREE asked Drew Dawson what are the requirements for training for the first response volunteers. He said it depends on what level and type they choose. If they choose a basic life support, it would be advanced first aid and gradually changing to first responder which is a 44-hour training program. If they license at a higher level, training would be first responder.

REP. McCAFFREE asked if they are talking about volunteers only or people who are paid on a call basis. Mr. Dawson said it depended on the area. Fire service areas are basically volunteer. REP. McCAFFREE asked if that changed the liability if they are paid. Mr. Dawson said under the Good Samaritan Law there is a specific amount they are paid based on the gross income.

REP. SIMPKINS asked Lyle Nagel if small communities needed a funding source to promote quick response teams and if HB 536 would do that. He said yes. The bill would take away from firefighting funds to do it. REP. BARNETT asked Jane Jelinski to respond to the same question. Ms. Jelinski stated there are already trained firefighters in fire service areas who are doing appropriate medical emergency responses. The way the law is written, it prevents volunteers from spending any money to train themselves. HB 536 does allow for public hearings. If you have volunteer firefighters who don't want to do a specific job, remember, they are volunteers. They can just quit.

Closing by Sponsor:

REP. BRADLEY stated HB 536 is enabling legislation. The language of the bill is may, may, and may. This bill is needed in her county to get the emergency services where they are needed.

HEARING ON HB 396

Presentation and Opening Statement by Sponsor:

REP. GRADY, House District 47, Canyon Creek, stated HB 396 changes the method for establishing a rural improvement district by petition. This legislation gives the people the right to say whether they want to be imposed upon. It should not come from the County Commissioners.

Proponents' Testimony:

Chet Dreher, resident, provided written testimony. EXHIBIT 5

SEN. BECK, supported HB 396.

Opponents' Testimony:

Jane Jelinski, Board of Directors, Montana Association of Counties, provided written testimony. EXHIBIT 6

Jim Ellis, Lewis and Clark County Road Supervisor, stated HB 396 would tie the counties hands by not letting them create their own maintenance district with the approval of the people.

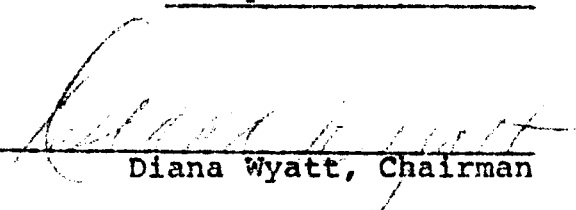
Ann Marie Dussault, Missoula County Commissioner, stated HB 396 is too limiting and does not give the Commissioners the opportunity to address the issues needed.

HOUSE STANDING COMMITTEE REPORT

February 15, 1991

Page 1 of 2

Mr. Speaker: We, the committee on Local Government report that House Bill 536 (first reading copy -- white) do pass as amended

Signed: 

Diana Wyatt, Chairman

And, that such amendments read:

1. Title, line 6.

Following: "7-33-2401"

Strike: "AND"

Insert: ", "

Following: "7-33-2402,"

Insert: "AND 7-33-2404,"

2. Page 3, line 9.

Following: "(1)"

Insert: "(a)"

Strike: ", emergency medical,"

3. Page 3, line 10.

Following: "7"

Insert: ", "

Strike: "and adequate"

4. Page 3, line 13.

Strike: "(2)"

Insert: "(b)"

5. Page 3, line 14.

Following: "agency"

Insert: "; and

(2) emergency medical services and equipment, licensed by the department of health and environmental sciences, and related personnel, facilities, and maintenance"

February 15, 1991
Page 2 of 2

6. Page 3.

Following: line 14

Insert: "Section 3. Section 7-33-2404, MCA, is amended to read:

"7-33-2404. Financing of fire service area -- fee on structures. (1) In the resolution creating the fire service area and by resolution as necessary thereafter, the board of county commissioners shall establish a schedule of rates to be charged owners of structures that are benefitted by the ~~fire~~ services offered by the fire service area.

(2) The rates must be applied on a fair and equal basis to all classes of structures benefitted by the fire service area.

(3) The board of county commissioners shall collect the funds necessary to operate the fire service area by charging the area rate as a special assessment on the owners of structures and collect the assessments with the general taxes of the county. The assessments are a lien on the property so assessed.

(4) The board of county commissioners or the trustees, if the fire service area is governed by trustees under 7-33-2403, may pledge the income of the fire service area to secure financing necessary to procure ~~fire~~ equipment and buildings to house ~~fire~~ the equipment. The outstanding amount of such indebtedness may not exceed 7% of the taxable valuation of the area.""

T. Bret Haggerty
P.O.Box 1754
Bozeman, MT 59771

February 14, 1991

Montana State Legislature
Capital station
Helena, MT 59620

Dear Legislators:

I would like to express my support for House Bill 536. I feel there are three reasons as to why this Bill is beneficial to the customers of Fire Services Fee Areas with regards to emergency medical services.

1. Fire departments are GEOGRAPHICALLY DISTRIBUTED. Meaning, fire departments are the closest resource to an emergency situation in rural areas. Immediate medical attention, in many situations, may be the difference between life and death.

2. Personnel of departments have the ability to provide emergency medical services.

a. Fire departments already have basic medical equipment on their apparatus. In many instances monetary donations were made to purchase medical supplies and equipment, or the items themselves were donated.

b. Internally with in a fire department it is expected that medical assistance can be provided for an injured fire fighter.

c. Currently, a fire department operating in both districts and fee areas may provide emergency medical services related to the suppression of a fire.



RAE VOLUNTEER FIRE COMPANY

5400 GOOCH HILL RD., BOZEMAN, MT 59715

HOUSE BILL 2
DATE 2-14-91
536

FEBRUARY 13. 1991

MONTANA STATE LEGISLATORS
CAPITOL STATION
HELENA, MT 59620

RE: HOUSE BILL 536

DEAR LEGISLATORS,

I WOULD LIKE TO EXPRESS MY SUPPORT FOR HOUSE BILL 536 WHICH GIVES CONTROL OF WHAT LEVELS AND TYPES OF SERVICES A FIRE SERVICE AREA CAN PROVIDE TO LOCAL GOVERNMENT (EI. COUNTY COMMISSIONERS AND BOARDS OF TRUSTEES). IT WILL GIVE FIRE SERVICE AREAS A BETTER HANDLE ON WHAT THEY CAN AND CANNOT DO IN REGARDS TO E.M.S. AND WILDLAND FIRES TO NAME A FEW. PARTICULAR QUESTIONS AND ANSWERS CAN BE DEALT WITH ON A LOCAL LEVEL.

PLEASE GIVE HOUSE BILL 536 YOUR SUPPORT.

SINCERELY,

TOM KINGMA
RAE VOLUNTEER FIRE CHIEF
5400 GOOCH HILL RD.
BOZEMAN, MT 59715

HOUSE BILL 536

Madam Chair, members of the committee. I am Drew Dawson, Chief of the Emergency Medical Services Bureau in the Department of Health and Environmental Sciences.

An emergency medical services *system* requires the cooperation and involvement of many different organizations and agencies. Particularly in rural Montana, we need to take advantage of organizations which are interested in providing quality emergency medical services with well-trained persons and appropriate equipment. We don't like to turn interested folks away! House Bill 536 would, after considerable local public participation, allow Fire Service areas to expend funds for the provision of emergency medical services.

Title 50, Chapter 6, requires that emergency medical services be licensed by the Department of Health and Environmental Sciences. There are very reasonable mechanisms established to assure that EMS provided by any agency, including fire service areas, is adequate and standard.

Just as other fire departments, rural and urban, are now providing licensed emergency medical services at various level and types, House Bill 536 would allow the residents of fire service areas the same service. This can only help to improve Montana's emergency medical services system.

We are pleased to support this legislation.

Thank you.

MONTANA STATE VOLUNTEER
FIREFIGHTER ASSOCIATION INC.
LYLE P. NAGEL, LOBBYIST
P.O. BOX 93, SIMMS, MT. 59477
PHONE 264 5850

DATE 2-14-91
HB 536

February 14, 1991

Montana House of Representatives
Local Government Committee
Rep. Diana Wyatt, Chairman

TESTIMONY IN OPPOSITION TO HB536

The main intent of this bill has already been addressed in another bill that has been before you earlier in this session. that is HB182 which amends 7-33-2105. The amendment authorizes trustees to provide for EMERGENCY RESPONSE APPARATUS, EQUIPMENT, PERSONNEL, HOUSING AND FACILITIES. This bill has passed the house and is now being considered in the senate.

When a Fire Service Area has been established and is operated by a board of trustees according to 7-33-2403, the provisions of 7-33-2105 and 7-33-2106 shall apply except that the trustees shall prepare annual budgets and request a schedule of rates instead of a mil levy.

Adding both KIND and TYPE to Lines 7, 18 and 22 on page 2 is not necessary because in this instance, according to Websters dictionary, the words have the same meaning (variety).

the amendment to 7-33-2401 (3), page 2 lines 15 thru 20, would allow the county commissioners to mandate that additional types of service must be provided. The provider of the fire service may not be equipped to provide these additional services and would not have a voice in the decision. The requirement to purchase additional equipment and seek the proper training for the firefighters could become a burden on both the budget and the training time of the provider.

If the county commissioners were to decide to provide emergency medical or some other type of emergency service, such as hazardous material response, water rescue or rough terrain rescue and it was not protested by the property owners in the area but an increase in the rates to cover the cost of the service were protested by over 50% of the property owners then the service would have to be provided without the any funding. This would jeopardize the funds established for the fire protection in the area.

The Fire Service Area statutes (7-24) were intended as a mean of providing funds for structure fire protection in rural areas outside of fire districts. The funding is derived from a fee charged the owners of the structures that are benefited by the fire service. offered.

I agree that providing some emergency services such as emergency medical services to people in rural areas is a great benefit to those people but I do not feel that it is proper to sacrifice fire protection to accomplish the services. An additional fee on the owners of structures to provide these services would be placing the burden on

them for a service provided to everyone in the area.

Through experience, I can assure you that requiring a fire company to provide emergency medical service can have a devastating effect on the fire company and its members. Our fire company provided personnel and a vehicle for this purpose at one time but other members left the company because of the fear of the liability involved. Some of the members that were initially trained to provide the service dropped out because of the time required to keep their certification current.

I have checked on the operation of several emergency medical Quick Response Teams and other providers of pre-hospital emergency medical services to determine their methods of funding.

Glasgow operates their service through the hospital and includes the cost of the service to a patient on the hospital bill.

Fort Shaw uses a vehicle provided by the fire company but the cost of operation is born by the quick response team. They raise their funds through fund raisers and donations. The supplies that they use are replaced by the ambulance that responds and they in turn charge the patient on their bill. Most of their equipment and supplies was originally furnished by the county.

The cost of the training and some of the equipment for the Cascade Quick Response Team was covered by a local service club. The vehicle that they use to transport their equipment belongs to the county and is housed in the Cascade fire station.

Several other quick response teams in Cascade County use equipment provided by the county. The equipment is purchased with funds from the county EMS budget. Some of the providers use their own private vehicles for transportation.

There are other ways of funding these emergency services without using funds intended for fire protection and suppression. HB228 gives the provider the right to recover costs involved in a hazardous material response. This bill has passed the house and is now being considered in the senate. County commissioners have the authority to levy a tax to fund emergency medical services.

I have brought this bill to the attention of emergency medical service providers, fire company officers, firefighters and some of the officers of our association and I have been urged to not support HB536.

House Bill 192 would authorize Fire Service Area trustees to provide the equipment and personnel for emergency services. Then they could pursue a means of funding for the type of service they wish to provide.

I thank you for your time and attention and urge that when you consider HB536 that you recommend that it do not pass.

Lyle F. Nagel

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By Chairman Esther Bengtson, on March 19, 1991,
at 3:25 p.m.

ROLL CALL

Members Present:

Esther Bengtson, Chairman (D)
Eleanor Vaughn, Vice Chairman (D)
Dorothy Eck (D)
H.W. Hammond (R)
Ethel Harding (R)
John Jr. Kennedy (D)
Gene Thayer (R)
Mignon Waterman (D)

Members Excused: Thomas Beck (R)

Staff Present: Connie Erickson (Legislative Council).

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Announcements/Discussion: none

HEARING ON HB-536

Presentation and Opening Statement by Sponsor: Representative Dorothy Bradley, District 79, said this enabling legislation parallels another bill that this committee heard concerning fire districts, and this bill deals with fire service areas. This legislation enables county commissioners to decide what level and types of services they want for a fire service area. The problem is that an AG opinion stated that funds could be used in this fire service area for emergency medical services, but only if it was related somehow to the suppression or prevention of a fire. Sometimes because of the sprawling nature of the county, you have these emergency services that are ready to react, but it can not be said that it is in direct response to the prevention or suppression of a fire. This bill clears up that language, and lets the county commissioners give them the tools to do what they need to, and it would provide them with the best possible use of our medical response teams.

Proponents' Testimony: Fred Hagerty,, Rae Volunteer Fire Department, supported this bill (Exhibit #1).

Gallatin County Fire Council supported this bill by letter (Exhibit #1a).

Tom Kingma, Rae Volunteer Fire Chief, supported this bill by letter (Exhibit #1b).

Drew Dawson, Chief Emergency Medical Services Bureau, DHES, supported this bill (Exhibit #2).

Bill Flyner, Lewis and Clark County Sheriffs Department, and Assistant Rural County Fire Warden for Lewis and Clark County, said that there are 17 fire districts and two are fire service areas in Lewis and Clark County. Many of those fire districts and one of the fire service areas has trained their people in first response service, so they will be able to meet the needs within their districts and areas. We urge the committee to support HB-536.

Bruce Suenram, Missoula Rural Fire District, and The Montana Fire District Association, said they had a bill before this committee, and he urged the same consideration for fire service areas.

Opponents' Testimony: none

Questions From Committee Members: none

Closing by Sponsor: Representative Bradley asked the committee to Concur in HB-536.

HEARING ON HB-650

Presentation and Opening Statement by Sponsor: Representative Carolyn Squires, District 58, said this bill was heard in the House State Administration Committee. She considers this her "Good Government Bill". Basically this bill asks that people, like herself, that run for the Legislature shall be returned to their position from which they left. As many of you know, according to the law, every individual that runs for the Legislature or state government is granted 180 days a year to serve. Upon completion of the term of the Legislature, it is mandated that "thou shall return back to your place of employment after 10 days". What happens in many situations, is that people

DATE MARCH 19, 1991COMMITTEE ON SENATE LOCAL GOVERNMENT

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Mike T. Mason	TCI Cablevision ^{Fullerton, CA}	707		X
Joe W. Holland	ROUNDUP CABLE	707		X
John Balock	McL-View Cable	707		X
Peggy Thomas	ABC Cable	707		X
Steve Watt	TCI Cablevision ^{Fullerton, CA}	707		X
Ken Watts	Billingham ^{TCI Cablevision} Mill Valley, Calif	707		X
Steven Lopez	TCI Cablevision ^{Missoula, MT}	707		X
Andrew M. Bostwick	Butte, MT	707		X
Michael D. Miller	Libby, MT	707		X
Doug Rice	Helena, MT TCI Cablevision	707		X
Wes Huffman	TCI CABLEVISION, GT. FALLS	707		X
CLYDE J. JARVIS	WISSELF	707	X	
Steve Dornhaier	TCI Cablevision, ^{Butte, Montana} Dillon	707		X
MARK LANGDON	AFSCME	HB 650	X	
Don DeShaw	Wheatland Electric & Cable TV	707		X
Shen Young	Cable Montrose	707		X
Paul Spengler	BRING BACK WGN	707	✓	
Draw Dawson	MT Dept Health	536	✓	
Wm Morgan		707	✓	
Paul M. Foster	United Insulating	952		X
Meridith Reiter	Empire Sand & GRAVEL	952		X
LINDA SPILL-ANDERSON	LEWIS: CLARK County	HB 707	✓	
Tom Glendenning	TCI CABLEVISION-HELENA	HB 707		X
Micko Murray	TCI HAVER ^{Ch. mode} HARLEM & MALTA	HB 707		X
LINDA SPILL-ANDERSON ^{MT Assn Comtee}		HB 952	✓	
Tim Bergstrom	MT STATE FIREMENS ASSOC	HB 650	X	

DATE MARCH 19, 1991

COMMITTEE ON SENATE LOCAL GOVERNMENT

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)

ROLL CALL

SENATE LOCAL GOVERNMENT COMMITTEE

DATE 3-19-91

52 LEGISLATIVE SESSION _____

NAME	PRESENT	ABSENT	EXCUSED
Senator Beck			X
Senator Bengtson	X		
Senator Eck	X		
Senator Hammond	X		
Senator Harding	X		
Senator Kennedy	X		
Senator Thayer	X		
Senator Vaughn	X		
Senator Waterman	X		

Each day attach to minutes.

T. Bret Haggerty
RAE VOL. FIRE DEPT.
P.O.Box 1754
Bozeman, MT 59771

March 19, 1991

Montana State Legislature
Capital station
Helena, MT 59620

Dear Legislators:

I would like to express my support for House Bill 536. I feel there are three reasons as to why this Bill is beneficial to the customers of Fire Services Fee Areas with regards to emergency medical services.

1. Fire departments are GEOGRAPHICALLY DISTRIBUTED. Meaning, fire departments are the closest resource to an emergency situation in rural areas. Immediate medical attention, in many situations, may be the difference between life and death.

2. Personnel of departments have the ability to provide emergency medical services.

a. Fire departments already have basic medical equipment on their apparatus. In many instances monetary donations were made to purchase medical supplies and equipment, or the items themselves were donated.

b. Internally with in a fire department it is expected that medical assistance can be provided for an injured fire fighter.

c. Currently, a fire department operating in both districts and fee areas may provide emergency medical services related to the suppression of a fire.

3. House Bill 536 allows for local control. Through the process of public hearings the customers of the fire service fee area make the decisions. The customers decide the KINDS, TYPES and LEVELS of the services they are willing to pay for.

In conclusion, it can be easily understood that our rural fire departments have the ability to provide emergency medical services. The purpose of House Bill 536 is to allow the public the benefit of first response. Meaning, allow the fire departments to provide emergency medical services in situations where fire may not be the factor, or the cause of the injury. I would like to urge this committee for a DO PASS. Thank-you.

T. Bret Haggerty

State of Montana

County of Gallatin

Bozeman



GALLATIN COUNTY FIRE COUNCIL

TO: Senate Local Government Committee

FROM: Gallatin County Fire Council

SUBJECT: Support of House Bill #536

DATE: March 14, 1991

SENATE LOCAL GOVT. COMM.

EXHIBIT NO. 1a

DATE 3-19-91

BILL NO. HB-536

This memo is to inform the Senate Local Government Committee that the Gallatin County Fire Council and its members are in full support of House Bill #536.

A handwritten signature in cursive script that reads "Diana Martin".

Diana Martin
Secretary Treasurer
Gallatin County Fire Council



RAE VOLUNTEER FIRE COMPANY

5400 GOOCH HILL RD., BOZEMAN, MT 59715

SENATE LOCAL GOVT. COMM.

EXHIBIT NO. 1b

DATE 3-19-91

BILL NO. HB-536

FEBRUARY 13, 1991

MONTANA STATE LEGISLATORS
CAPITOL STATION
HELENA, MT 59620

RE: HOUSE BILL 536

DEAR LEGISLATORS,

I WOULD LIKE TO EXPRESS MY SUPPORT FOR HOUSE BILL 536 WHICH GIVES CONTROL OF WHAT LEVELS AND TYPES OF SERVICES A FIRE SERVICE AREA CAN PROVIDE TO LOCAL GOVERNMENT (EI. COUNTY COMMISSIONERS AND BOARDS OF TRUSTEES). IT WILL GIVE FIRE SERVICE AREAS A BETTER HANDLE ON WHAT THEY CAN AND CANNOT DO IN REGARDS TO E.M.S. AND WILDLAND FIRES TO NAME A FEW. PARTICULAR QUESTIONS AND ANSWERS CAN BE DEALT WITH ON A LOCAL LEVEL.

PLEASE GIVE HOUSE BILL 536 YOUR SUPPORT.

SINCERELY,

TOM KINGMA
RAE VOLUNTEER FIRE CHIEF
5400 GOOCH HILL RD.
BOZEMAN, MT 59715

HOUSE BILL 536

Madam Chair, members of the committee. I am Drew Dawson, Chief of the Emergency Medical Services Bureau in the Department of Health and Environmental Sciences.

An emergency medical services *system* requires the cooperation and involvement of many different organizations and agencies. Particularly in rural Montana, we need to take advantage of organizations which are interested in providing quality emergency medical services with well-trained persons and appropriate equipment. We don't like to turn interested folks away! House Bill 536 would, after considerable local public participation, allow Fire Service areas to expend funds for the provision of emergency medical services.

Title 50, Chapter 6, requires that emergency medical services be licensed by the Department of Health and Environmental Sciences. There are very reasonable mechanisms established to assure that EMS provided by any agency, including fire service areas, is adequate and standard.

Just as other fire departments, rural and urban, are now providing licensed emergency medical services at various level and types, House Bill 536 would allow the residents of fire service areas the same service. This can only help to improve Montana's emergency medical services system.

We are pleased to support this legislation.

Thank you.

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By Vice-Chairman Eleanor Vaughn, on March 21, 1991, at 3:15 p.m.

ROLL CALL

Members Present:

Esther Bengtson, Chairman (D)
Eleanor Vaughn, Vice Chairman (D)
Thomas Beck (R)
Dorothy Eck (D)
H.W. Hammond (R)
Ethel Harding (R)
John Jr. Kennedy (D)
Gene Thayer (R)
Mignon Waterman (D)

Members Excused: none

Staff Present: Connie Erickson (Legislative Council).

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion:

HEARING ON HB-813

Presentation and Opening Statement by Sponsor: Representative Mark O'Keefe, District 45, said HB-813 is a very simple bill. In 1979 he was working with the Department of Natural Resources in Adjudication program. He went to work as a field person, and ended up running the program state wide. The program had about 63 employees handling records throughout the state to try to verify existing water rights under the adjudication process. In 1979 he walked in Ravalli County's Courthouse, and was helping a gentleman with his filing of his water rights under the Tin Cup Creek Decree out of Darby area. The clerk pulled out the original decree, which had been passed some 70 years ago by the court, and it literally fell apart when he opened. From then on

SENATE LOCAL GOVERNMENT COMMITTEE

March 21, 1991

Page 7 of 15

felt that what was covered in line 15 could be covered by line 13, but it does not specifically state what to investigate. But all effects on adjoining landowners and landuse is broad enough to include those things that were in line 15.

Recommendation and Vote: Senator Eck moved to Concur in HB-706 as Amended. The vote was 8 to 1, and was recorded as a roll call vote. Senator Hammond voted against. Senator Kennedy will carry HB-706.

EXECUTIVE ACTION ON HB-791

Motion: Senator Kennedy moved to Concur in HB-791.

Discussion: Senator Beck asked for a brief explanation of this bill because he missed the hearing. Senator Hammond said the bill simply stated that a sheriff could designate someone to be the official representative of the department during search and rescues or training so these people would be covered by MACo's Workers' Comp regulations. C. Erickson added that the law currently states that the sheriff must be there physically, and the new language allows telephone or radio contact. Senator Hammond added that the sheriff can't be in two places at one time. Senator Bengtson said the example of scuba diving rescues was used, and many sheriffs are not certified divers, so the dive master could be the designee in this case.

Recommendation and Vote: Senator Kennedy moved to Concur in HB-791. The motion passed and was recorded as a roll call vote. Senator Kennedy will carry HB-791.

EXECUTIVE ACTION ON HB-536

Motion: Senator Eck moved to Concur in HB-536. The motion passed unanimously, and was recorded as a roll call vote. Senator Eck will carry HB-791.

EXECUTIVE ACTION ON HB-650

ROLL CALL VOTE

SENATE COMMITTEE LOCAL GOVERNMENT

Date 3-21-91 Bill No. HB-536 Time 5:52

NAME	YES	NO
SENATOR BECK	X	
SENATOR BENGTON	X	
SENATOR ECK	X	
SENATOR HAMMOND	X	
SENATOR HARDING	X	
SENATOR KENNEDY	X	
SENATOR THAYER	X	
SENATOR VAUGHN	X	
SENATOR WATERMAN	X	

JOYCE INCHAUSPE-CORSON
Secretary

ESTHER BENGTON
Chairman

Motion: move to Concur in HB-536
Senator Eck will carry

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 22, 1991

MR. PRESIDENT:

We, your committee on Local Government, having had under consideration House Bill No. 536 (third reading copy -- blue), respectfully report that House Bill No. 536 be concurred in.

Signed, _____
Esther C. Benfson, Chairman

1st 3-22-91
And. Coord.

2nd 3-22 9:10
Sec. of Senate

HOUSE BILL NO. 536

INTRODUCED BY BRADLEY, BIANCHI, ECK, THAYER,
BARDANOUVE, WALLIN

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A FIRE SERVICE
AREA TO PROVIDE EMERGENCY RESPONSE AND EMERGENCY MEDICAL
SERVICES; AND AMENDING SECTIONS 7-33-2401 AND 7-33-2402,
AND 7-33-2404, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-33-2401, MCA, is amended to read:

"7-33-2401. Fire service area -- establishment --
alteration -- dissolution. (1) Upon receipt of a petition
signed by at least 30 owners of real property in the
proposed service area, or by a majority of the owners of
real property if there are no more than 30 owners of real
property in the proposed service area, the board of county
commissioners may establish a fire service area within an
unincorporated area not part of a rural fire district in the
county to provide the services and equipment set forth in
7-33-2402.

(2) To establish a fire service area, the board shall:

(a) pass a resolution of intent to form the area, with
public notice as provided in 7-1-2121 and written notice as
provided in 7-1-2122;

(b) hold a public hearing no earlier than 30 or later
than 90 days after passage of the resolution of intent;

(c) at the public hearing:

(i) accept written protests from property owners of the
area of the proposed area; and

(ii) receive general protests and comments relating to
the establishment of the fire service area and its
boundaries, rates, service kinds, types, or levels of
service, or any other matter relating to the proposed fire
service area; and

(d) pass a resolution creating the fire service area.
The area is created effective 60 days after passage of the
resolution unless by that date more than 50% of the property
owners of the proposed fire service area protest its
creation.

(3) Based on testimony received in the public hearing,
the board in the resolution creating the fire service area
may establish different boundaries, establish a different
fee schedule than proposed, change the kinds, types, or
levels of service, or change the manner in which the area
will provide services to its residents.

(4) The board of county commissioners may alter the
boundaries or the kinds, types, or levels of service or
dissolve a fire service area, using the same procedures
required for the creation of a fire service area. Any

REFERENCE BILL

HB 536

existing indebtedness of a fire service area that is dissolved remains the responsibility of the owners of property within the area, and any assets remaining after all indebtedness has been satisfied must be returned to the owners of property within the area."

Section 2. Section 7-33-2402, MCA, is amended to read:

"7-33-2402. Area services. A fire service area created pursuant to 7-33-2401 may provide residents of the area with adequate and standard:

(1) (A) fire, emergency medical, and emergency response equipment, and adequate personnel, facilities housing for the equipment, and related maintenance, for use by a fire service agency providing service to the area; or

(2)(B) fire protection by contracting for the services of a fire service agency; AND

(2) EMERGENCY MEDICAL SERVICES AND EQUIPMENT, LICENSED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES, AND RELATED PERSONNEL, FACILITIES, AND MAINTENANCE."

SECTION 3. SECTION 7-33-2404, MCA, IS AMENDED TO READ:

"7-33-2404. Financing of fire service area -- fee on structures. (1) In the resolution creating the fire service area and by resolution as necessary thereafter, the board of county commissioners shall establish a schedule of rates to be charged owners of structures that are benefited by the fire services offered by the fire service area.

(2) The rates must be applied on a fair and equal basis to all classes of structures benefited by the fire service area.

(3) The board of county commissioners shall collect the funds necessary to operate the fire service area by charging the area rate as a special assessment on the owners of structures and collect the assessments with the general taxes of the county. The assessments are a lien on the property so assessed.

(4) The board of county commissioners or the trustees, if the fire service area is governed by trustees under 7-33-2403, may pledge the income of the fire service area to secure financing necessary to procure fire equipment and buildings to house fire the equipment. The outstanding amount of such indebtedness may not exceed 7% of the taxable valuation of the area."

-End-